IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17470 of 2004

Between:

Toddy Tappers Co-operative Society,

Velgatur, Velgatur Mandal, Karimnagar District,

represented by its President-M. Chilakalaiah

..... PETITIONER

AND

1 The Deputy Commissioner of Prohibition & Excise,

Karimnagar Division, Karimnagar.
2 The Prohibition & Excise Superintendent, Karimnagar District.
3 The Prohibition & Excise Inspector, Peddapally, Karimnagar District.
4 Toddy Tappers Co-operative Society, Kummaripally, Kummaripally

Village, Velgatur Mandal, Karimnagar District,
represented by its Chief Promoter-Kuppula Sugaiah

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings Rc. No. 1109/2003/P&Ex/B7, dt 30-05-2003 passed by the 2nd respondent, as being arbitrary, illegal and unconstitutional and also violative of Principles of natural justice apart from being contrary to the Excise Policy and the Rules made thereunder and consequently to set-aside the same.

Counsel for the Petitioner: MR.D.BHASKAR REDDY

Counsel for the Respondent Nos.1 to 3: Government Pleader for Prohibition &

Excise.

The Court at the admission stage made the following:

ORDER:

This writ petition is filed questioning the order dated 30-05-2003 passed by the second respondent, who is the Functional Registrar under the A.P. Cooperative Societies Act, 1964, under which the fourth respondent-Society was registered.

The impugned order having been passed more than an year ago and in the absence of any satisfactory explanation for the delay, the Writ Petition is barred by laches. That apart, against the impugned order an efficacious alternative remedy of Appeal is available under the statute. The petitioner without exhausting the said alternative remedy cannot maintain this writ petition.

The writ petition is accordingly disposed of granting leave and liberty to the petitioner to work out the appropriate remedy as available under law. No costs.

(G.ROHINI, J)

Date: 29-09-2004

Note:

Office to furnish CC in two days.

B/o

ghn

To

1 The Deputy Commissioner of Prohibition & Excise,

Karimnagar Division, Karimnagar.

2 The Prohibition & Excise Superintendent, Karimnagar District.

3 The Prohibition & Excise Inspector, Peddapally, Karimnagar District.

4 The Chief Promoter-Kuppula Sugaiah,

Toddy Tappers Co-operative Society, Kummaripally, Kummaripally

Village, Velgatur Mandal, Karimnagar District,

5 Two CCs to the Government Pleader for Prohibition and Excise, High Court of A.P., Hyderabad. (o.u.t.)

6 Two CD copies.